

REPORT OF THE PROCEEDINGS OF
The ORDINANCE REVIEW COMMITTEE
OF THE VILLAGE OF ARLINGTON HEIGHTS PLAN COMMISSION
HELD AT VILLAGE HALL ON:

February 22, 2017

Project Title: Chapter 28 Amendments
Petitioner: Village of Arlington Heights
33 S. Arlington Heights Road
Arlington Heights, IL

Requested Action:

- Chapter 28 Text Amendments / Zoning.

Attendees: Susan Dawson, Plan Commissioner
Bruce Green, Plan Commissioner
Lynn Jensen, Plan Commissioner
Robin Ward, In House Counsel
Bill Enright, Deputy Director Planning
Sam Hubbard, Development Planner

In late 2016 the Village Board established strategic priorities for the Village in 2017. Staff from the Planning and Community Development Department and Legal Department have internally discussed updating various aspects of the Zoning code to modernize the code to make it more user friendly and provide clarity. In addition, staff has reviewed areas of the code to streamline the processes for residents and for developers. The end product will be much more inviting visually and better organized. Staff has divided recommended amendments to the code into two phases as follows:

Phase 1 - Definitions; Permitted Use Table; Special Uses; and Planned Unit Developments. In addition there are amendments suggested to several other sections of Chapter 28.

Phase 2 - Non Conforming Uses; Hardship Criteria for Land Use Variations; Use Districts; Parking; and minor updates to the Plan Commission and Design Commission sections. Also minor fences and accessory structures will be reviewed.

Meeting Discussion:

B. Enright summarized the proposed amendments - both phase 1 and 2. The code in many respects is outdated, therefore these amendments will both streamline the process, but also modernize the code and make it more user friendly.

Regarding the PUD process, staff recommends combining preliminary and final PUD into a one step process. This will save developers a couple months and simply defers certain items to building permit such as escrows and final engineering.

Commission Green was supportive of the change given that developers will still have to provide all the information that they currently provide, it's just a matter of the timing. He felt it's positive to cut down on

the time frame for obtaining PUD approval.

Commissioner Dawson indicated that typically final PUD is the same plan as preliminary, so often there are no changes anyway. Developers have to bring back all their consultants to Final PUD which is costly and often not needed. This is a great improvement to the process.

Commissioner Jensen added that streamlining the process is a positive change.

B. Enright then summarized the proposed changes to the Special Use for restaurants. Currently the code allows for a waiver of the special use process for restaurants less than 1,500 square feet. This process has worked well but staff would recommend increasing the waiver to restaurants less than 4,000 square feet. Also restaurants which serve liquor could also obtain the waiver, whereas now they cannot. Since 2013 when the waiver process was approved, 4 of 16 restaurants have qualified for the waiver. Extrapolating back to 2006, there has been 61 restaurants approved and 17 would have qualified for the waiver had it been in place. If the threshold was increased to 4,000 square feet, then 48 of 61 (80%) would have qualified for the waiver.

Commissioner Green agreed with allowing restaurants who serve liquor to qualify for the waiver as there is a liquor licensing requirement anyway to address any issues with serving of liquor. He asked if the waiver would apply to restaurants with drive throughs?

B. Enright indicated that staff looked at that issue but is recommending at this point that all restaurants with a drive through have to go through the normal process and public hearing. One thought is maybe as a next step, certain drive through restaurants could qualify for the waiver, such as those that are part of a larger shopping center.

Commissioner Green mentioned that the Dunkin Donuts on Arlington Heights Road south of Sigwalt can often back up onto Arlington Heights Road, so those types of sites we would want closer oversight.

Commissioner Jensen added that the Dunkin Donuts on Northwest Highway works well.

Commissioner Dawson added that that project was reviewed by the Plan Commission with a lot of thought to make sure it would function properly. Also is there a way to give staff the discretion to approve a drive through if part of a larger center or outlot if it meets certain standards?

R. Ward indicating that it can be difficult to consistently apply standards as staff can turnover with time. Maybe take a look at drive throughs at a later time once we see how the waiver process works if approved for larger restaurants.

Commissioner Jensen asked if there are any existing standards for drive throughs?

R. Ward that no not at this time and that each situation is different depending on the site.

Commissioner Dawson concurred that we should look to increase the threshold to 4,000 square feet as the next step. Also it appears that there is a large discrepancy in the number of seats depending on the restaurant. Some have a lot more seats even with similar seating area. Should we look at the number of seats as a part of the threshold?

B. Enright indicated that it is touch to use number of seats as seats can be added or removed without the

Village knowing.

Commissioner Dawson agreed it is better to use the seating area as that is a fixed measurement. Are there any concerns with not having a public hearing for the additional restaurants?

B. Enright indicated that most restaurants that go through the public hearing process do not attract much opposition if any. The larger more impactful restaurants would still require the hearing. Issues raised typically include parking and odors. Parking will still be reviewed with the waiver, and the County Court has provided guidance in code enforcement cases that odors are a natural part of a restaurant. Therefore we really can't regulate odors if we allow restaurants in certain districts.

Commissioner Dawson agreed that we can't regulate given what the courts have said.

Commissioner Jensen added that even with the Indian restaurant we didn't get that many complaints.

R. Ward summarized the amendments to the definitions section. Most of the changes are not substantive, but rather updating old terms, or deleting obsolete definitions. Definitions have been revised for clarity and better organized.

Commissioner Dawson asked if there were any changes that we should be aware of that may be more significant?

R. Ward indicated that we are proposing to delete the definition of family as it does not serve any purpose to the Village and is not used.

Commissioner Green mentioned that at a recent Plant and Sub meeting the definition came up in the discussions as to how many persons can live in a dwelling unit. It was stated that the zoning code allows up to 4 unrelated persons. Also the definition of Community Residence refers to the family definition. With the family definition how then do we regulate the number of person in a dwelling unit?

R. Ward indicated that the definition of family is no longer used as you can no longer legally define family. The use of space is regulated by the Building codes.

Commissioner Green added that he thought deleting the definition of family was a significant change to the zoning code. He added that there can be significant zoning impacts on traffic, parking for unrelated persons living in a dwelling unit versus a family.

Commissioner Dawson indicated that there are situations where some homes are used for transient rentals for persons who may for example be in the area for 2 to 3 months for business training, etc. Transient properties sometimes do not maintain their property as well as owner occupied.

R. Ward indicated that we have codes for property maintenance, and that it doesn't matter who resides in the unit as rentals are allowed.

B. Enright summarized the changes to the permitted use table and all concurred with the changes. The number of line items in the table would decrease from 215 to 145 which makes the table more user friendly and deletes obsolete uses. Also, obvious retail uses would simply fall under a new "Retail" use line item in the table.

CHAPTER 28 AMENDMENTS

Commissioner Jensen felt the new organization of the table helps how one thinks about the various uses and how they relate to the zoning districts.

The Ordinance Review Committee concurred with the recommendations and agreed that the amendments should move forward to Plan Commission for a public hearing.

The meeting adjourned at 7.25pm.

Bruce Green, Chair
Ordinance Review Committee
Bill Enright, Recorder